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IMMIGRATION OF CHINESE.

SPEECH

OF

HON. JOHN H. MITCHELL,

OF OREGON,

IN THE

SENATE OF THE UNITED STATES,

MAY 16, 1876.



WASHINGTON.

1876.



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SPEECH

OF

HON. JOHN H. MITCHELL,

The Senate having under consideration the bill (S. No. 829) to restrict the immigration of Chinese to the United States—

Mr. MITCHELL said :

Mr. PRESIDENT: The bill of the honorable Senator from California, [Mr. SARGENT,] presented by him yesterday, not having been printed, I have not had an opportunity, of course, to examine its provisions. I have, however, a general knowledge, I think, of their import. I move, therefore, to take up the resolution introduced by the Senator from California a few days ago, having reference to the reformation of the treaty with China.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to take the resolution offered by the Senator from California [Mr. SARGENT] from the table. The Chair hears no objection, and the following resolution is before the Senate :

Resolved, That the Senate recommends to the President that he cause negotiations to be entered upon with the Chinese government to effect such change in the existing treaty between the United States and China as will lawfully permit the application of restrictions upon the great influx of Chinese subjects to this country.

Mr. MITCHELL. I was about to say that not having had an opportunity to examine into the provisions of the bill introduced by the Senator from California yesterday, I desire more especially to speak to the resolution now before the Senate.

The importance of the questions involved in the pending resolution and the magnitude of the evil sought to be remedied have induced me to vary from my more usual course of keeping silence in this Chamber. Nor would I now depart from my customary course were it not for the fact that the Pacific States and Territories are, more than any portion of our country, the theater upon which this new evil, dangerous, threatening, imminent as it is, as I believe, to our moral, social, and political structure, is exhibited in all its loathsome features and degrading tendencies. Perhaps, Mr. President, no question of graver import could be presented to the consideration of the American Senate than that involved in the general subject of Chinese immigration and the results it must necessarily have upon our civilization. It is a question, to my mind, that the Congress of the nation cannot evade if it would, and one that it cannot afford to ignore if, by any possibility, it could.

The evil, Mr. President, which this sudden and alarming influx of the Mongolian race is casting upon our common country is one which to my mind, which to the minds of the people of the Pacific coast, menaces to-day the stability and purity of our moral peace, the integrity of our social and political structure, and jeopardizes and disturbs the civilization of our age. And, sir, as the offal of the slaughter-house

and the putrescence of the cess-pool will the more readily and the more completely impart impurity and general pollution to the small stream near the mountain-side than to the deep, broad river on nearer to the sea, so will communities that are new, sparse in numbers, weak comparatively by reason of their infancy, like those of the Pacific States and Territories, be more likely to be trampled down, corrupted, and defiled by this species of immigration than will be those communities that are older and more firmly established, like those that exist on the Atlantic coast.

Standing, therefore, in their infancy, comparatively, as do the people of the North Pacific coast, face to face with a population of over four hundred million people, in the very gateway, if you please, of the Chinese empire, of a people the dregs and the debased of whom are by the thousands upon thousands to-day flooding our country, is it at all strange that this people should appeal to the Congress of the nation in terms of more than ordinary earnestness for some measure of relief against this great evil?

It would be useless for me, after the very able argument of the honorable Senator from California, in which he elaborated truthfully the evils of Chinese immigration upon the Pacific coast, to detain the Senate for any great length of time in any attempts on my part to add, or attempt to add, either to the verity or the loathsome character of the picture so truthfully and so vividly drawn by him. He has stripped of its bandages this festering sore which, like a plague-spot, has fastened itself upon the very vitals of our western civilization and which to-day threatens to destroy it. And, Mr. President, almost at the expense on his part of a violation of the conventionalities of speech in reference to delicacy in the use of terms in this presence, he has presented this sore to the gaze of the Senate, the country, and the world, in all its sickening putrefaction and contaminating touch. He has arrayed before you witnesses from the courts, from the prisons, from the almshouses, from boards of trade, from chambers of commerce, from city, county, and State authorities, and from private citizens as well, whose concurrent testimony establishes beyond the possibility of successful contradiction the alarming facts, that the effect of Chinese immigration upon the Pacific coast is to degrade the industry of the country, to subordinate the labor of the honest, hard-working, free American citizen to that of the dishonest, servile legions of a rice-eating and heathen race; to establish within our borders a system of serfdom equal to, and, I think I may say with safety, infinitely worse in some respects, than any that has ever heretofore cursed our country with its iniquity; to debauch and defile our youth; to corrupt the channels of trade; to set upon the face of our beautiful cities the degrading seal, the disgusting impress of Asiatic life and manners; in a word, to contaminate and blast our civilization with the degrading tendencies of a people numbering nearly, if not altogether, one-half the entire population of the globe; a people whose history, customs, habits, modes of life, and aspirations have for ages, and must of necessity continue to be for centuries yet to come, surrounded in the shades and consequent darkness of heathenism.

O, but says one, even admitting our physical power to inhibit this class of immigration to our country, yet upon the broad principles of humanitarianism, on the doctrine of the right of expatriation, our doors should not be closed. No, say they, not even against the criminal heathen of the nations; but, on the contrary, this asylum of ours, of which we are all so proud to speak, and the more especially in this centennial year, should, like the gates of gospel grace, stand forever

open night and day to all people, of all lands and creeds and tongues and customs and habits and dispositions and aspirations, and of all virtues and vices as well.

This, Mr. President, is all very fine, and in sentiment and theory may be all very well; and I concede, as a general rule, with exceptions perhaps as to criminals and paupers, it may with safety to our institutions be applied to the Christian nations of the world. But it does seem to me that the people of America, the people of the United States, should have some regard for themselves, and while they are willing that the light of our civilization should be diffused among the millions, that the humanizing and Christianizing influences of our institutions should be extended to all lands and among all peoples, yet at the same time we do absolutely owe something to ourselves; and the question here presents itself whether our civilization, pure, ennobling, strong, powerful, and good as it is to-day, can afford to stand the corruptions and the deadly vices that must necessarily result to it from flooding our land with a nation of criminal, debased, and debasing slaves; whether we can afford that our land should be overrun and our institutions permeated with the influence of a pagan people, uneducated, as a rule, save in the worst vices of a dark age, a people schooled in a forum presided over by neither God nor conscience, guided and controlled in their course of conduct only by the gratification of their lusts, restrained solely by a cruel superstition, which in most cases transforms the most infamous crimes into the fancied virtues of their race, such as the abandonment of their young, their sick, their aged, their decrepit, their dying, to the tender mercies of the elements; a people that never have been and never can become attached to the principles of the Constitution of the United States, nor be well disposed toward the peace and good order of our country; a people whose religion is pagan, and whose god an idol, whose element of warfare against decent, respectable society is that irrepressible stench that inevitably arises from the dens and caverns in which they in our cities do congregate more like unreasoning beasts than reasoning men. The question is whether we can afford to submit our civilization and our institutions to all the untold horrors that must necessarily result to us and our posterity, to the peace, the good order, the general welfare, the tranquillity of our country, by planting in our midst a people such as this? Can we afford, in justice to the poor, hard-working, toiling millions of the land, men and women, who earn for themselves and their families their daily bread by the sweat of their faces, to see their means of subsistence filched from them by a species of serfdom, by a slavery, if you please, the very counterpart of which, in years not long gone by, evolved an issue in this country which drenched our land in blood?

The question presented, Mr. President, is not an old one. As stated in an article recently published in the *New York Nation*, and referred to by the honorable Senator from California in his speech the other day—
California—

And the editor might have added the whole Pacific Coast—
is the only American community and, in fact, the only western community from the beginning of history which has had any experience of the actual effect of a Chinese immigration. The immigration from which we in the Eastern States are obliged to draw all our inferences as to the probable effect of such an experiment has been from countries which are allied to our own by race, language, religion, or customs; and the few Chinese whose acquaintance we have made have been chiefly objects of curiosity to us. To California they have come in numbers, and, speaking a different language, worshiping unknown gods, keeping alive imported customs and traditions, they form almost a separate caste. Now such a state of

affairs is, under our system of government, very difficult to deal with. In medieval times it would have been simple enough, because laws and customs would have arisen based on the inferiority of one race and the superiority of the other.

The question then, Mr. President, is a new one, and it is as difficult, complicated, and intricate as it is new. It is not a question as to obligation, or duty, or power with reference to our attitude toward or our dealing with those inferior races and classes of people which from time immemorial, from the earliest period of our country's history, have formed a part and parcel of our population. From those, under the judicious management and guidance of our Government and our people, our civilization has nothing to fear; while in fact the attitude of our Government in that direction in years but recently passed has brought new stars to the crown of our civilization. The question of dealing with those born on our own soil, and with those who from the Christian nations of the world seek an asylum, a home here, is one thing; while throwing wide our doors to the vassals, the criminals, the lepers, and the debased of the Asiatic countries of the world is quite another and a very different thing. And the very fact that a large part of our population, of those who shape and control its legislation, State and Federal, once bore allegiance to some of the Christian European powers, tends to a feeling of international unity and adds to our peace, our commercial and political prosperity among the nations of the world.

Since the beginning of our history no such question has been forced upon us; and can we, upon the ground of humanity, upon any principle of world-wide patriotism, on the doctrine of the right of expatriation, on the principles of the Christian religion, upon any of these or upon all of these combined, afford to have our land deluged by the dregs of the Mongolian race? A race which, according to the well-selected language of the "Nation" to which I have attracted attention, "speak a different language, worship unknown gods, keep alive imported customs and traditions, and form almost a separate caste."

I know that their influx into this country will widen the field of the missionary within our own bounds. I know that so long as they are permitted to come some of their number, but the very fewest, will be lifted from the depths of their degradation, and through the commendable efforts of Christian men and Christian women be placed upon the higher and broader and better plane of American civilization and of Christianity. But will even this, either in a moral or Christian point of view, compensate for the pestilence, the moral, social, political pestilence with which the countless thousands that will come, and who are necessarily unreclaimed, will infect the present and future generations of our people? I am not unmindful of the value of an influence that will result in lifting even one soul from the depths of heathenism; but, much as that influence is to be valued, it is no more to be prized than is to be deplored that other influence which will result in leading even a solitary American youth away from the traditions of his fathers and the influence of his country down to the doors of moral death and to a grave of infamy and disgrace.

But, Mr. President, it is said there is no danger, after all; but few will come, and there is no reason for alarm. Let me say that in my judgment the man who believes this, the statesman who acts upon this to-day, will be like certain men we read of who believe a lie and are damned. Asia can spare fifty million and scarcely miss them from her shores, and they are coming. Already the tide of immigration has set in across the waters of the Pacific, and to-day they are

coming by the thousand into the ports of California and Oregon and Washington Territory, and all the other ports of the Pacific coast, bringing with them—what? Intelligence, wealth, virtue? Not much, but rather ignorance, and poverty, and crime, pestilence, moral, social, political, in their most alarming and dreaded forms.

A reference to a few arrivals of steamers recently on the Pacific coast will give some idea in regard to the alarming character of this immigration at the present time. In a dispatch from San Francisco, April 16, I read:

The British steamer *Crocus* arrived to-day from Hong-Kong via Yokohama, with rice and eight hundred and eighty-two Chinamen. She reports two other British steamers there up for this port.

Three days after we have another dispatch dated April 19, 1876, which says:

The Pacific Mail steamship *Great Republic* arrived in this port from China yesterday morning after a smooth passage of twenty-four days. She had on board one thousand and seventy-five Chinese, having lost one through suicide. The *Great Republic* reports the *Belgic* to follow with about six hundred Chinese. She also reports leaving the *Quang Se* ready for a shipment of coolies. The officers of the *Great Republic* say that all steamers from China for the next four months will be crowded with coolies.

So we see that in a short space of three days we have two thousand one hundred and fifty-seven Chinese arriving in the port of San Francisco alone, and it is a matter of history that for the past number of months and to-day they are arriving in San Francisco alone at the rate of from a thousand to twelve hundred per week; from four to five thousand per month; at the rate of sixty thousand a year. The man who imagines that this flood will not increase in volume and in power so long as our gates are open, until we have an *imperium in imperio*, an Asiatic government within our own founded upon the worst elements of human depravity, mistakes in my judgment the signs of the times, and fails to correctly trace the inevitable logic of events.

But, sir, what is the remedy for this evil? Is there any remedy, I ask, that can be applied with complete effect to this great, this new evil short of that of absolute prohibition of the Chinese immigration? I believe that there is not; and, until this is done, all the efforts that may be devised by the brains of the wisest statesmen intended to regulate this species of immigration will stand a dead letter on the statute-book. A law which cannot be enforced by reason of the peculiar circumstances surrounding its violation is as no law at all; and in the mean time the evil intended to be interdicted goes on with giant strides, boldly and defiantly. And such, let me say to the Senate, is the present condition of our congressional legislation on the subject of prohibiting the importation of coolies and of women for immoral practices. Why, sir, the whole of the present Chinese population of our country, with the exception of a mere fraction, is composed of these two classes; and therefore, to this very large extent, is the present immigration from China in direct violation of law. But, notwithstanding this, on account of the unrestrained fraud, the black perjury, the subtle chicanery, the dark-eyed conspiracy peculiar to this class of people, and for which those who engage in this nefarious business are notorious, conviction is simply impossible. The remedy, therefore, in my judgment, that is, the complete remedy, is in a large limitation upon, or an absolute abrogation of, the right of the Chinese subject both to expatriation and immigration, in so far as our country is concerned.

But here we are met with the objection again that this is a favored

doctrine of our Government, and especially with the present Administration and the republican party, and that it was incorporated in terms by this Administration in the Burlingame treaty. This is all very true, and, as a general rule, I contend that the doctrine of the right of the subject of any civilized European country to abjure his allegiance to his own government and better his political fortunes by attaching them to another government is one that ought to be upheld by the civilized world, one that should receive the approbation of mankind; and especially should intelligent, free America extend this doctrine to the civilized governments of Europe, and not only extend it to them but insist upon it with reference to all such governments whose subjects—either in large or small numbers—may desire to better their political condition by seeking a home and asylum in our country, by becoming citizens of our Republic, and thus availing themselves of the superior immunities from political oppression afforded by our peculiar form of government.

But, Mr. President, there are nations, in my judgment, that are exceptions to this rule, and if they do come technically within the rule, as no possible good can come to the subject, nor to our own country, but on the contrary an infinitude of harm, then I contend they should mark the exception, and thus add stability and force and power and strength to the rule itself.

Let us look at this rule for a moment and at the exception, because I claim that there is an exception, and that it is in this case. We go down then into the depths of Asia, among the Chinese of China, if you please; we look upon that strange people, the history of whose imperialism runs back into the ages, yes, even so far back that the penetrating eye of the nineteenth century fails to trace its origin in the shades of departed time; and we ask of them, "Do you desire a change in your government?" and they answer, "No." We then say to them, "Do you, as individuals, desire to better your political condition; do you desire to abjure your allegiance to imperial power; do you desire to attach your allegiance to our institutions, to our country; do you desire to become citizens and sovereigns in America?" and they again answer, "No!" emphatically, "No!" They will say to you in their broken tongue, "Me no likee Melican man; me no sabe Melican Government." And then we go to the better classes of the people of that country, and say to them—I refer now to men engaged in commerce, in agriculture, in manufactures, we go to the merchant, the manufacturer, the artisan, and the professional man, to the better classes, if you please, of China and of Asia generally—and we say to them, "Do you desire to change your domicile across the water? Do you desire to establish yourselves firmly in business in America, there to better, if you please, your political and your personal condition, there to add intelligence, wealth, and power to our institutions and government, there to live and there to die?" and you will be again met in nine cases out of ten with a negative answer. But there is another class—I refer to men who traffic in human flesh and female virtue; who subsist on the fruits of crime; whose history, from its birth, is marked with treason against morality, and peace, and law, and order, and good government, and these, and these alone, are the men of the empire who have their eyes on America, and through their influence and their machinations our shores on the Pacific coast—you may not feel it here, but our shores, the golden shores of the Pacific are to-day being flooded with the serfs, the criminals, the mendicants, the opium-eating gamblers, the leprous prostitutes, the most debased, in every sense of the word, of the Chinese Empire.

To permit this, when no possible good can come to the Chinese subject, as I have already shown, and when, instead of adding to the intelligence, the wealth, the prosperity, the dignity of our country, it but brings poverty, and disease, and pestilence, and crime, simply out of a desire on our part to adhere to a principle, is, to my mind, to subordinate the truest and best interests of this Government, the general welfare, and the domestic tranquillity, to the vindication of a mere idea in political ethics. It is one, in my judgment, that cannot be sustained for one solitary moment by any element of true statesmanship; and, sir, if it is persisted in, I predict here and now that the people of the next centennial, if not of the next generation, will eat of its bitter fruits and drink of its poisoned waters.

Mr. MERRIMON. May I ask the Senator a question?

Mr. MITCHELL. Certainly.

Mr. MERRIMON. I ask whether any portion of the Chinese on our western shores are naturalized; and, if so, do they belong to the voting population of California and Oregon?

Mr. MITCHELL. They are not naturalized; and not only that, but they do not desire to be naturalized; and that is the very point I have been trying to make, that the country from which they come is an exception to the nations of the world to which the doctrine of the right of expatriation ought to be extended by our country.

Mr. MERRIMON. Suppose they are content to be naturalized and our people are content that they shall be and become voters among them?

Mr. MITCHELL. That is simply supposing a case that never will occur, as I have been endeavoring to show. I have been endeavoring to show that all their inclinations and aspirations and dispositions are in the other direction. They do not desire either a change of government in their own country or a transfer of their allegiance to this.

Mr. SARGENT. If my friend will allow me, I will say that the people of the Pacific coast do not wish them to be naturalized. Naturalization would only add to the mischiefs. Put the ballot in the hands of the sixty thousand Chinese in California, and they would be marshalled in squads at the polls by their masters, the six companies, with ballots prepared beforehand and dictated to them, and the influence of white men in the government of California would soon cease to exist. California would be a mere Asiatic province.

Mr. MITCHELL. This is unquestionably true, and the same thing applies in relation to the State of Oregon. The whole immigration is not a voluntary one; it is controlled, as stated by the Senator from California, by these six companies, by these masters, if you please, in whose control and under whose subjection is every Chinese, male and female, that comes from the Empire to our shores; and, as stated, the ballot in their hands would but add to the horrors of the situation.

But, Mr. President, can the Congress of the nation, in the face of the Burlingame treaty, provide a remedy constitutionally or consistently equal to the magnitude of this great evil? Perhaps they can. Perhaps they may upon the ground that, I understand, has been decided more than once by the Supreme Court of the United States, to the effect that, although a treaty is the supreme law of the land, yet an act of Congress passed subsequently to the date when the treaty went into operation will, so far as it conflicts with the provisions of the treaty, abrogate it or suspend its functions. Whatever may be our power in this respect—and I concede that, if we have the power, it is one that should be approached with care and with great cau-

tion—it is certain that we have the power to appeal to the Executive of the nation, and ask of him and of our Secretary of State to enter into negotiations with the Chinese government looking to a reformation of the treaty; and this, in my judgment, after all, is the real remedy that ought to be applied in this case.

While I have said that I would approach with extreme caution any legislation by Congress upon this subject that would come in conflict with any existing treaty stipulation, still I will say that, if it is apparent to the country that the civilization of our land is in jeopardy, that our institutions are in imminent danger from this species of immigration, and you cannot reach it in any other way, then I would apply the remedy, desperate as it is, although it shake the empire to its foundations.

I hope then, Mr. President, to see the pending resolution adopted by this honorable body, and adopted at an early day. It is demanded by every consideration of humanity; it is demanded as a matter of justice to the poor, toiling, hard-working men and women of the Pacific coast who by the wages resulting from their daily toil, which at best is but meager, support themselves and their families, and whose labor to-day is being brought into direct and dangerous competition with the labor of Chinese serfs, whose food and raiment and other necessaries cost, under their peculiar modes of life, but little or nothing. Without families to support, their masters can afford to work them at rates far below those that are absolutely necessary to maintain one of our own citizens alone, to say nothing of his family.

But, Mr. President, it is demanded also by the merchant and the manufacturer, who in many instances on our coast are unable to compete in their productions with prices regulated by cooly labor, and who are, therefore, necessarily compelled to close their stores and shut up their shops. But, above all, it is demanded by the highest considerations of justice and right that can possibly attach to the American name or direct the destiny of the American people.

And here, Mr. President, let me read for a moment—and I will detain the Senate but a very few minutes longer—a dispatch of May 1 from Antioch, California, which reads as follows:

ANTIOCH, CALIFORNIA, *May 1.*

A fire occurred here which was the culmination of an excitement that has been growing since last Saturday, when one of the doctors informed various parties that several boys had visited a Chinese house of prostitution on the outskirts of the town and were now, in consequence, under his treatment. In a short time their parents heard of it and extreme measures were talked of, but better counsel prevailed. On Saturday morning thirty-five or forty citizens proceeded to the Chinese dens and notified them to leave town before three o'clock, or trouble would ensue. This all promised to do, and several of them started up the river in a sail-boat for Stockton and others taking the steamer for San Francisco. Among the latter was one woman who was nearly gone with disease. A boss Chinaman was sent with them, but much against his will, it requiring the efforts of two men to get him on the boat. It being supposed that the women had left for good, the excitement subsided. However, on Sunday afternoon, it was reported that the women who had started for Stockton had returned, which revived the excitement of Saturday, but nothing occurred to disturb the serenity of the Sabbath until about eight p. m., when a cry of fire was raised, and it was soon apparent that action had been taken. Chinatown was on fire, and a crowd of curious lookers-on assembled, together with the fire company, but little was done to stay the progress of the fire, and all but two of the buildings were destroyed—the inmates fleeing terror-stricken. How the fire was started, no one knows. To-day the remaining buildings have been removed, and Antioch is now free from this degraded class.

Again, a San Francisco dispatch to the eastern papers says:

SAN FRANCISCO, *May 3, 1876.*

The South San Francisco Anti-Cooly Club and the Young Men's Universal Reform Society held meetings last night and passed resolutions indorsing the de-

struction of the Chinese quarters in the town of Antioch, and advocating a similar course in this city unless the Federal Government should take immediate steps to abate the evil of Chinese immigration. Highly incendiary speeches were made and letters read from societies in the interior of the State seeking the co-operation of San Francisco anti-cooly organizations. The sergeant-at-arms of the Young Men's Universal Reform Society announced that he had received a telegram from New York saying that twenty-six hundred stand of arms could be delivered here at ten days' notice.

While such talk and action are universally reprobated by the great mass of thinking people in this city, there can be no doubt that it meets the approval of a large and dangerous class in the community, and that, in the event of no action being taken in the matter by the General Government, there is grave reason to fear serious disturbances here at no distant day.

Now then, Mr. President, while that spirit of mobocracy which sometimes invades the domain of law and order should be condemned by all good citizens at all times and under all circumstances and at all places, still when these things do occur, whether from real or imaginary causes, I contend, as did the Senator from California the other day, that it is the duty, the bounden duty of the Government to inquire into the cause of discontent, and if it is found that any real cause exists, then to apply the remedy by abating the cause.

The sentiment of the people of the Pacific coast is, universally I may say, opposed to further Chinese immigration. This is the view of everybody, of all political parties. It is not a party question. But while this is so, they, as a rule, are a law-abiding people, and they recognize the fact that the Chinese that are absolutely here are here in virtue of treaty stipulation; that they, therefore, are rightfully here; and that being here, they are in all their civil rights entitled to the equal protection of the law. If there are any others—and I must confess there are a few on our Pacific coast—who do not recognize these facts, and who counsel a resort to violence, they do but paralyze the arms of the real reformer at home, in the East, throughout the country, in the councils of the nation, and everywhere else. They trample upon law and order. They excite to anarchy and confusion. They fan the flame of prejudice and discord; and so far from removing the cause of the discontent by such a course of action, they do but rear formidable impediments in the only legitimate way in which the evil can be corrected.

I then, Mr. President, in conclusion appeal to the Senate; I join my friend from California in behalf of the people of the Pacific coast in appealing to the Senate, and the Congress, and the President, and the Secretary of State, and to the whole people, to all men and all women everywhere throughout this land who love their country, who have a pride in its progress, in its civilization, and a high hope for its future destiny, to come now to the rescue and crush out in its infancy this viper that, if permitted to live and grow, will at last and at no distant future gnaw with deadening effect at the very vitals of the civilization of this country.

Mr. SARGENT. I ask that the bill (S. No. 829) to restrict the immigration of Chinese to the United States, which I introduced yesterday, be now ordered to be printed and referred to the Committee on Commerce, allowing this resolution to lie on the table for the present.

The PRESIDENT *pro tempore*. That order will be made. The resolution will lie on the table.

Mr. CONKLING. Not without the consent of the Senator from California, I suggest that the bill just referred to the Committee on Commerce more appropriately belongs to the Committee on Foreign Relations. I move therefore that the reference be changed, the Senator from California having no objection.

Mr. EDMUNDS. I should have some question about that. I think that this matter, in accordance with the views expressed by the Supreme Court and in accordance with the Constitution, belongs to the subject of commerce, and that whatever regulations are to be made upon the subject must be made as regulations of commerce. I do not know the precise phraseology of the bill, exactly what it purports to do.

Mr. SARGENT. The bill in effect limits the number of Chinese who may be imported in any one year.

Mr. EDMUNDS. That is purely a regulation of commerce, and I submit to my honorable friend from New York that the committee of which he is the chairman is the appropriate committee to consider a question of that kind.

Mr. CONKLING. I made a mistake in not consulting my honorable friend from Vermont, instead of consulting the mover of this bill, in order to get consent to move in the Senate that it should take what seems to me its appropriate reference. Doubtless, if I had made to the Senator from Vermont the suggestions which I think I could make now to the Senate, he would have seen some reasons which are not covered by the remarks he has made; but speaking to the Senator who moved the bill, and finding that he concurred with me, I made the suggestion at once. Without going into the reasons generally, I will assign one.

The proceeding against which this bill is aimed is of course more or less in consequence of, if not by virtue of, a treaty, as all those who have listened to the very interesting and able speech made by the Senator from Oregon have perceived, if their attention has not been drawn to that before. In dealing with that subject, certainly it seems to me, the considerations involved are those appropriate to the Committee on Foreign Relations.

I have no personal objection myself—and if I had it would be counterbalanced—to considering this bill, because it so chances that I am a member of each of these committees. It is not therefore in my own behalf in any sense that I make this suggestion; but it seems to me very clear that a measure which is to execute, to coincide with, or to impinge upon an existing treaty, ought appropriately to be considered by the Committee on Foreign Relations and not by the Committee on Commerce, although in some general sense or relation the bill may be commercial in its effect. Congress has power to regulate commerce with foreign nations, and anything that regulates commerce merely is appropriately referred to the committee having charge of such topics; but every Senator must see that a provision restricting emigration from a foreign land which emigration proceeds largely in consequence of a treaty made with that country, is a great deal more than a matter concerning commercial relations.

But, as I said, I am not going to be tenacious about this matter, for it is not likely in any personal sense that it would make a difference to me whether it goes to one committee or to another committee, both of which I happen to be a member of. I have no doubt, however, that the appropriate reference of the bill would be to the committee which I suggested after finding that the mover of the bill had no objections to its going there.

The bill was referred to the Committee on Foreign Relations.









